

CHRIS COSNER

Vs.

Lee County Sheriff Department

1:10CV4-AD  
Plaintiff

Civil Action File No. CV10-001

Defendant

COMPLAINT Challenging Conditions  
Of Confinement

JOYCE B. LOFTIN  
LEE CO. CIRCUIT CLERK

COMES NOW the plaintiff in the Lee County  
Circuit Court and respectfully submits this Complaint  
Challenging his Conditions of Confinement against the Lee  
County Sheriff Department as a Civil Lawsuit.

I.

That the plaintiff claims that the Lee County  
Sheriff's Department Violated his 1<sup>st</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendment  
Rights under the United States Constitution while incarcerated  
at the Lee County Adult Jail as a pre-trial detainee in  
protective custody status, from July 19, 2008 until February  
6, 2009.

II.

That the plaintiff states that upon being processed into  
the Lee County Adult Jail July 19, 2008 on two counts of possession  
of a controlled substance with intent to sell and one count of  
failure to register as a sex offender in Lee County Mississippi that  
he was processed and treated like he had just committed a violent  
sex crime or act, chained and shackled and placed in F-Pod housing  
unit in protective custody status moved around an already secured  
jail chained up like a violent offender, locked down for twenty-three  
hours a day, denied free movement in a housing unit, recreation in  
the out door yard area, access to television viewing and the right to  
attend church on Sunday's privileges that other inmates

## II Cont...

IN the other housing units have without a hearing ON Custody by the Commissioner of Custody or with permission by the plaintiff to be placed in protective Custody. The plaintiff complains that the Lee County Sheriff Department violated his 1<sup>st</sup> Amendment Right to practice his Religion and his 14<sup>th</sup> Amendment Right of "due process" (Earmay Vs. Chickasaw County Miss (1997) 965 F. Supp 870).

## III.

The plaintiff states that on October 2, 2008 that he was violently and viciously attacked while on protective Custody status and under the "watchful eyes" of the Correctional officers of Lee County Sheriff's Department (Officer Joel Royce) by inmates of a known street gang who were on "Lock down Status" in F-Pod housing unit with the plaintiff. The plaintiff complains that Correctional officers of Lee County Sheriff's Department knowingly and wrongfully allowed the gang members on Lock down Status out at the same time the inmates on protective Custody status creating an opportunity for the inmates the plaintiff was suppose to be protective from to viciously attack the plaintiff causing physical damage and injuries to the plaintiff violating his 8<sup>th</sup> Amendment Right against Cruel and Unusual punishment and failed to provide adequate protection for the plaintiff while in protective Custody status. (Gates Vs. Collier [CMS] Miss (1974) 501 F.2d 1291). The plaintiff states that the Lee County Sheriff's Department actions of that day was "Subjective Recklessness" endangering the plaintiff's Life or Limb (Bilbo V. Thigpen Miss (1994) 647 S.2d 678). That the Lee County Sheriff's Department should

### III, Cont...

have taken reasonable measures to guarantee his Safety. (Davis V. City of Greenville Mississippi, 974 F. Supp 884 (ND 1997), (Earray V. Chickasaw County Mississippi (ND 1997) 965 F. Supp 870).

### IV.

The plaintiff Complains that he was denied medical attention for two ~~Cuts~~ Cuts on his face and two chipped teeth in his Mouth resulting from the assault on him October 2, 2008 in F-Pod housing unit in the Lee County Adult Jail. When Correctional Officer Joel Royce came into F-Pod with other officers to break up the assault he identified the plaintiff as the one injured and asked Corporal Price to take me to the Nurse, the plaintiff was taken outside the F-Pod housing unit by Cpl. Price and asked what happened then put back into the housing unit without medical attention by Cpl. Price. When Officer Joel Royce returned to F-Pod to feed inmates Supper the plaintiff asked to speak with Officer Royce for medical attention he refused to speak with me, Later on that evening after Shift Change the plaintiff asked officer Jason Edwards by Medical Request Form for medical attention and again later that night to Officer Checks, but never received any medical attention. The plaintiff was ignored and had to take care of his Cuts inflicted by the assault on him earlier that day himself one Cut resulting in infection. The plaintiff Claims by not receiving medical attention that the Lee County Sheriff's Department Violated his 8<sup>th</sup> Amendment Right AND Mississippi State title §47-1-57, §47-1-59.



## V.

The plaintiff would also like to point out to the Court that on December 20, 2008 the plaintiff sent a Complaint Challenging the Conditions of his Confinement and a Motion of Discovery to the Circuit Court Clerk Joyce Lofton and a true and correct copy to the Circuit Court Judge, Jim Pounds, by U.S. Mail to bring this matter up in the Lee County Circuit Court within a reasonable timely manner. The plaintiff never received a response from the Circuit Court Clerk Joyce Lofton or Judge Pounds. After thirty days (30) had passed since the plaintiff notified the Circuit Court of his Complaint and the assault on him the plaintiff wrote The Attorney General for the State of Mississippi (Jim Hood) asking him to look into the assault on me since several inmates told me that Officer Joel Royce ordered the assault and paid for it with extra food trays to the gang members who attacked the plaintiff. This letter to Jim Hood office was sent by U.S. Mail on January 23, 2009 (see attached list of motions on file) An inmates Complaint should have been looked into, Mississippi Code § 47-1-29.

## VI.

Wherefore the plaintiff request that this Honorable Court grant his Complaint of Civil Action MRCP RULE 3(a) and be filed without prejudice in the Circuit Court of Lee County Mississippi, and that the plaintiff be granted monetary relief in the amount of ONE Hundred Thousand Dollars that the plaintiff believes he is intitled to, AND

VI CONT...

Publicly Reprimand Sheriff Jim Johnson for Violating the plaintiffs Constitutional Rights. The plaintiff further request that the Attorney General's office investigate his Complaint of a Assault on him arranged by officer Joel Royce and paid for by giving the GANG members who assaulted the plaintiff extra food trays at Supper the evening of October 2, 2008.

CERTIFICATE OF SERVICE

I Chris Casner, Plaintiff hereby Certify that I have this day Served a true and Correct Copy of the above and forgoing Complaint Challenging Conditions of Confinement as a Civil Action Lawsuit to the Office of the Lee County Sheriffs Department at 410 Commerce St. Tupelo, MS 38801.

Chris Casner  
Plaintiff.

**FILED**  
TIME \_\_\_\_\_ AM / PM

**JAN 05 2010**

**JOYCE R. LOFTIN**  
**LEE CO. CIRCUIT CLERK**  
**D.C.**